

ONEIDA INDIAN NATION

ORDINANCE AUTHORIZING THE REMOVAL AND STORAGE OF ABANDONED AND ILLEGALLY PARKED VEHICLES

Ordinance No.: O-99- 02

Pursuant to the authority vested in the Oneida Indian Nation (“Nation”) by virtue of its sovereignty and inherent powers of self-government, the Nation hereby enacts this Ordinance to authorize the removal of illegally parked and abandoned vehicles on Nation lands.

ARTICLE 1 - Purpose

This Ordinance empowers and authorizes the Oneida Indian Nation Commissioner of Safety and Public Works (the “Commissioner”) to cause the removal and storage of illegally parked or abandoned vehicles to promote and ensure the safety and well being of both Nation members, visitors, guests, and patrons of the Nation and its business enterprises.

ARTICLE 2 – Removal and Storage of Vehicles

1. The Commissioner is hereby empowered and authorized to cause the removal and storage of vehicles parked or abandoned on Nation roadways, or adjacent to Nation roadways during snowstorms, floods, fires or other public emergencies, or found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited, or where the vehicle is otherwise found to be trespassing on Nation property or in violation of Nation, state or local vehicle, traffic or parking laws or regulations.

2. The owner of any such vehicle removed and stored shall be responsible for the payment of the cost and expense thereof. The Nation shall establish a schedule of costs and expenses related to such removal and storage, which schedule may be amended from time to time, in the Nation’s sole discretion.

3. The Nation shall not be liable, nor shall its agents, contractors or employees be liable, for any damage caused to a vehicle removed or stored pursuant to this Ordinance.

ARTICLE 3 - Interpretation

1. Sovereign Immunity. The Nation does not by enacting this Ordinance waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.

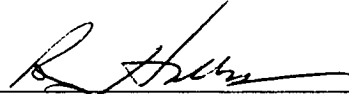
2. No Right of Action. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agencies, its officers or employees, or any other person.

3. Not Subject to Review. This Ordinance is not subject to review or modification in any state or federal court or by any authority outside the Nation.

ARTICLE 4 - Effective Date

This Ordinance is effective upon enactment.

Enacted this 27 day of January, 1999.



Ray Halbritter
Nation Representative(s)